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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,823	01/30/2004	Jimmy K. Cooper	C-03-0022-U.1	5608

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EXAMINER


NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/767,823	Applicant(s) COOPER, JIMMY K.	
	Examiner Trinh T Nguyen	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "24" has been used to designate both the bottom end and the top end. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "40" has been used to designate both the connector assemblies and the coaxial cable coupler. Corrected drawing sheets are

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required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akre (US 6,053,129) in view of Keeler (US 5,850,807).

For claims 1 and 10, Akre discloses an illuminating pet leash comprising: a flexible and strong tethering line (16) having a tethering length and first and second free ends; and, a hook member (32) coupled to said first free end and which is adapted to be coupled to a pet collar.

Akre lacks an elongated illuminating light source assembly enclosing the tethering length of said tethering line and wherein said tethering line is independent from the elongated illuminating light source assembly.

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Keeler teaches a similar pet leash as that of Akre in which Keeler's pet leash comprises an elongated illuminating light source assembly (22, 26) enclosing the tethering length of the tethering line (24) and wherein the tethering line is independent from the elongated illuminating light source assembly. Further note that Keeler's elongated illuminating light source assembly comprises a transparent tube (20) having the tethering length of the tethering line journaled therein, an elongated electro-luminescent light source (26) journaled through the transparent tube, and an electrical illuminating circuit (16, 15, 14) housed in the handle assembly (13) and coupled to the elongated electro-luminescent light source (as claimed in claims 7 and 16) wherein the electrical illuminating circuit comprises a battery (37 and 43) housed in the handle assembly (13), an on-off switch electrically coupled the battery and affixed to the handle assembly, and means for coupling the battery the elongated electro-luminescent light source (as claimed in claims 9 and 18) (see lines 1-65 of col. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of Akre so as to replace the tubular member (12 of Akre) with Keeler's elongated illuminating light source assembly (22 and 26 of Keeler) wherein the optical fibers (26 of Keeler) surround the tethering line (16 of Akre, note that the pulling and tugging forces exerted by a pet on the first free end of the tethering line (16 of Akre) are isolated from said elongated illuminating light source assembly (22 and 26 of Keeler), in a similar manner as taught in Keeler, since to do so would allow the pet owner to easily and remotely locate the pet leash.

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For claims 2 and 11, Akre lacks a tethering line comprises a leader line. Keeler teaches a similar pet leash as that of Akre in which Keeler's pet leash comprises a tethering line includes a leader line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of Akre so as to replace the tethering line (16 of Akre) with Keeler's leader tethering line, in a similar manner as taught in Keeler, since to do so would provide a stronger tethering line.

For claims 3 and 12, Akre as modified by Keeler (emphasis on Akre) further discloses the tethering line lightweight.

For claims 4 and 13, Akre lacks a tethering line is made of a steel wire. Keeler teaches a similar pet leash as that of Akre in which Keeler's pet leash comprises a tethering line includes a steel wire. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of Akre so as to replace the tethering line (16 of Akre) with Keeler's steel wire tethering line, in a similar manner as taught in Keeler, since to do so would provide a stronger tethering line. With respect to the limitation that the steel wire having a strength of at least 120 pounds, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the steel wire of a strength of at least 120 pounds, since it has been held that where routine testing and general experimental conditions are present, discovering an optimum value of a result effective variable involves only routine skill in the art. Also, since applicant did not provide a reason and/or showing any criticality as to why the steel wire has to be at a strength of at least 120 pounds, it

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is believe that through trial and error during the manufacturing process that one comes up with this specific value (i.e., at least 120 pounds) to meet the design criteria.

For claims 6 and 15, Akre as modified by Keeler (emphasis on Akre) further discloses a handle assembly (14 and 24 of Akre) coupled to said second free end of said tethering line (16 of Akre).

For claims 8 and 17, Akre as modified by Keeler (emphasis on Akre) further discloses the handle assembly comprises a pop rivet (18, 20 of Akre); and, said second free end of said tethering line (16 of Akre) coupled to said pop rivet.

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akre (US 6,053,129) in view of Keeler (US 5,850,807), and further in view of Lacey (US 4,903,638).

As described above, Akre as modified by Keeler discloses most of the claimed invention except for indicating that the tethering line comprises a leader line folded about a midpoint on said leader line to form two parallel strands; the first free end comprising a fold at the midpoint; and, the fold loops around a ring of for secure attachment thereto.

Lacey teaches a similar pet leash as that of Akre as modified by Keeler in which Lacey's pet leash includes a tethering line comprises a leader line folded about a midpoint on said leader line to form two parallel strands (14); the first free end comprising a fold (60') at the midpoint; and, the fold loops around a ring (28) of for secure attachment thereto (see Figure 2 of Lacey). It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have modified the pet lease of Akre as modified by Keeler so as to replace the tethering line with Lacey's folded parallel strands of leader line, in a similar manner as taught in Lacey, since to do so would provide an additional reinforcement to the tethering line.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as cited in form PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh Nguyen  
Patent Ex., AU3644  
07/26/04